1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 MICHAEL D. EALY, Case No. 2:21-cv-00962-APG-DJA 4 Petitioner, **ORDER** V. 5 (ECF No. 1) LVMPD DETENTION CENTER, et al., 6 Respondents. 7 8 9 Pro se Petitioner Michael D. Ealy filed a petition for writ of habeas corpus under 28 10 U.S.C. § 2241 seeking release from the Clark County Detention Center where he was in the 11 custody. ECF No. 1-1. Ealy submitted an application to proceed in forma pauperis ("IFP"). ECF 12 No. 1. A notice was served on Ealy via U.S. Mail at his address of record. ECF No. 2. The 13 noticed was returned as undeliverable with a notation indicating that Ealy is not in custody at the 14 Clark County Detention Center. ECF No. 3. 15 The Local Rules of Practice require all parties, including habeas petitioners, to immediately file with the court written notice of any change of address. LR IA 3-1, LR 2-2. The Local 16 17 Rules also warn that failure to comply may result in dismissal of the action, with or 18 without prejudice, or other sanctions as the court deems appropriate. *Id. See also Carey v. King*, 19 856 F.2d 1439, 1441 (9th Cir. 1988) ("A party, not the district court, bears the burden of keeping 20 the court apprised of any changes in his mailing address."). 21 Petitioner has not filed a notice of change of address. As Petitioner has failed to comply 22 with the Local Rules, it is therefore ordered that this action is dismissed without prejudice. 23 I THEREFORE ORDER: 1. This action is dismissed without prejudice based on Petitioner's failure to comply with 24 25 the Local Rules. 26 2. A certificate of appealability is denied as jurists of reason would not find dismissal of 27 ///

28

///

the petition to be debatable or wrong.

3. The Clerk of Court is instructed to enter final judgment accordingly and close this case.

Dated: July 9, 2021

ANDREW P. GORDON UNITED STATES DISTRICT JUDGE